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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/091,065
Filing Date March 4, 2002
Appellant(s): Andres Vinberg

Anders Vinberg
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/21/09 appealing from the Final Office Action
mailed 02/10/09.

(1) *Real Party in Interest*

A statement identifying by name the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) *Status of Claims*

The statement of the status of claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Claimed Subject Matter*

The summary of claimed subject matter contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,125,390	Touboul	9-2000
6,049,828	Dev et al	4-2000
5,761,502	Jacobs	6-1998
6,011,838	Cox	1-2000
5,748,098	Grace	5-1998
6,006,016	Faigon et al	12-1999
5,933,601	Fanshier et al	8-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. This action is responsive to the amendment and remarks filed on October 29, 2008.
2. Claims 1, 3-9, 11, 13-20 and 31-36 are presented for examination, claims 21-30 are withdrawn from consideration, and claims 2, 10 and 12 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 103

4. Claims 1, 3-5, 9, 11, 13-15 and 33-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, U.S. Patent 6,125,390 (hereinafter Touboul) and Dev et al, U.S. Patent 6,049,828 (hereinafter Dev) in view of Jacobs, U.S. Patent 5,761,502 (hereinafter Jacobs).
5. Touboul, Dev, and Jacobs were cited in the last office action.
6. As per claims 1 and 11, Touboul taught the invention substantially as claimed for reporting the context of an alert condition, comprising:
 - reporting an alert condition associated with a subject system object (col. 8, lines 10-12; col. 6, lines 54-61);
 - analyzing the system objects associated with the alert condition to obtain the context data (col. 5, lines 7-10; col. 4, lines 39-44; col. 7, lines 40-49);
 - generating a context message based on the context data (col. 5, lines 7-10; col. 7, lines 40-49); and
 - outputting the context message (col. 8, lines 31-34; col. 14, lines 6-7, 20-23).
7. Touboul did not teach receiving, in response to the reporting of the alert condition, a user-generated dialogue request specifying context data. Dev taught receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request specifying a user defined type of context data for the subject system object (col. 8, lines 11-14; col. 15, lines 16-

18; 420, fig. 10) (i.e., clicking on the condition red); and the context message responsive to the user-generated request dialogue (col. 8, lines 31-37; col. 15, lines 12-29). (dialogue request is interpreted as a user input requesting a machine response that form a “conversation”)

8. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul and Dev because Dev’s teaching of a user-generated dialogue request would make it easier for user in Touboul’s system to request more information regarding an alarm condition.

9. Touboul and Dev do not teach context data for relevant system objects known to be associated with the subject system object and accessing a database to identify a group of system objects known to be associated with one another. Jacobs taught context data for the subject system object and one or more relevant system object known to be associated with the subject system object (col. 9, lines 48-54; col. 14, lines 46-52; fig. 6); accessing a database to identify a group of system objects known to be associated with one another (col. 8, lines 5-7; col. 9, lines 9-14, 24-37; col. 14, lines 11-19); and identifying, from the group of system objects, a relevant system object that is known to be associated with the subject system object (col. 9, lines 48-54; col. 13, lines 8-63; col. 14, lines 38-53).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul, Dev and Jacobs because Jacobs’s teaching of accessing a database to identify a group of system object known to be associated with

one another would increase the alertness of network management personnel in their systems by providing a view of the current state of the network that correlates related network events (col. 2, lines 29-65).

11. As per claim 9, Touboul taught the invention substantially as claimed for reporting the context of an alert condition, comprising:

a management application processor (fig. 1) comprising:

means for reporting an alert condition associated with a subject system object (col. 8, lines 10-12; col. 6, lines 54-61);

means for analyzing the system objects associated with the alert condition to obtain context data (col. 5, lines 7-10; col. 4, lines 39-44; col. 7, lines 40-49);

means for generating a context message based on the context data (col. 5, lines 7-10; col. 7, lines 40-49); and

means for outputting the context message (col. 8, lines 31-34; col. 14, lines 6-7, 20-23).

12. Touboul did not teach means for receiving, in response to the reporting of the alert condition, a user-generated dialogue request specifying context data. Dev taught means for receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request specifying a user defined type of context data for the subject system object (col. 8, lines 11-14; col. 15, lines 16-18; 420, fig. 10) (i.e., clicking on the condition red); and the context message responsive to the user-generated request dialogue (col. 8, lines 31-37; col. 15, lines 12-

29). (dialogue request is interpreted as a user input requesting a machine response that form a “conversation”)

13. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul and Dev because Dev’s teaching of a user-generated dialogue request would make it easier for user in Touboul’s system to request more information regarding an alarm condition.

14. Touboul and Dev do not teach context data for relevant system objects known to be associated with the subject system object and means for accessing a database to identify a group of system objects known to be associated with one another. Jacobs taught context data for the subject system object and one or more relevant system object known to be associated with the subject system object (col. 9, lines 48-54; col. 14, lines 46-52; fig. 6); means for accessing a database to identify a group of system objects known to be associated with one another (col. 8, lines 5-7; col. 9, lines 9-14, 24-37; col. 14, lines 11-19); and means for identifying, from the group of system objects, a relevant system object that is known to be associated with the subject system object (col. 9, lines 48-54; col. 13, lines 8-63; col. 14, lines 38-53).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul, Dev and Jacobs because Jacobs’s teaching of accessing a database to identify a group of system object known to be associated with one another would increase the alertness of network management personnel in their systems by

providing a view of the current state of the network that correlates related network events (col. 2, lines 29-65).

16. As per claims 3 and 13, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul further taught wherein the analyzing includes determining properties of the subject system object (col. 7, lines 40-49).

17. As per claims 4 and 14, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul further taught wherein analyzing includes determining a physical location of a component represented by the subject system object (col. 4, lines 39-44).

18. As per claims 5 and 15, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Jacobs further taught wherein analyzing includes determining a logical relationship of a component represented by the subject system object to a component represented by the relevant system object (col. 13, lines 8-63; col. 14, lines 38-52).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev and Jacobs for the same reason set forth in claim 1 above.

20. As per claim 33, Touboul, Dev and Jacobs teach the invention substantially as claimed in claim 1 above. Although Dev teaches the type of user defined context data is selected from any information contained in the event message (col. 8, lines 11-19), however, Touboul, Dev and Jacobs do not specifically teach user defined context data is selected from the group consisting of location information for the subject system object, logical relationship information of the subject system object to other system objects, operational status information of the subject system object, or information regarding interest/business groups associated with the subject system object. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include context data such as location information for the subject system object in the event message because by doing so it could notify a user where to resolve the event.

21. As per claim 34, Touboul, Dev and Jacobs teach the invention substantially as claimed in claim 1 above. Dev further teach wherein the user-generated text-based dialogue request comprises a first user-generated text-based dialogue request specifying a user defined type of context data (col. 8, lines 11-14; col. 15, lines 16-18; 420, fig. 10) (i.e., clicking on the condition red); and further comprising: after outputting the context message, receiving a second user-generated text-based dialogue request specifying a second user defined type of context data (col. 15, lines 27-29) (by clicking on other alarm).

22. As per claim 35, Touboul, Dev and Jacobs teach the invention substantially as claimed in claim 1 above. Dev further teach wherein the user-generated text-based dialogue request

textually requests the user defined type of context data (col. 8, lines 11-14; col. 15, lines 16-18; 420, fig. 10).

23. As per claim 36, Touboul, Dev and Jacobs teach the invention substantially as claimed in claim 1 above. Dev further teach wherein the context message contains the user defined type of context data specified in the request (col. 15, lines 12-29) (e.g., text fields 426 and 428 provide information (context message) to user regarding the request of the selected "Condition Red" (user-defined type of context data) alarm).

24. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Cox, U.S. Patent 6,011,838 (hereinafter Cox).

25. Cox was cited in the last office action.

26. As per claims 6 and 16, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not teach determining a traffic load associated with the subject system object. Cox taught determining a traffic load associated with a system object (col. 3, lines 30-50).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Cox because Cox's teaching of determining a traffic load would increase the efficiency of Touboul's, Dev's and Jacobs's

systems by minimize the amount of failure cause by overloading a system object (col. 1, lines 11-15).

28. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Grace, U.S. Patent 5,748,098 (hereinafter Grace).

29. Grace was cited in the last office action.

30. As per claims 7 and 17, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not explicit teach a component that is dependent on a component represented by the subject system object. Grace taught wherein the relevant system object representing a component that is dependent on a component represented by the subject system object (col. 1, lines 40-56; col. 3, lines 5-15).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Grace because Grace's teaching of relevant system object representing a component that is dependent on a component represented by the subject system object would increase efficiency of Touboul's, Dev's and Jacobs's systems by avoiding time wasted on investigating the sources of all the alert condition associated with dependent resources (col. 1, lines 40-56).

32. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Faigon et al, U.S. Patent 6,006,016 (hereinafter Faigon).

33. As per claims 8 and 18, Touboul taught the invention substantially as claimed for reporting the context of an alert condition, comprising:

reporting an alert condition associated with a subject system object (col. 8, lines 10-12; col. 6, lines 54-61);

analyzing the system objects associated with the alert condition to obtain context data (col. 5, lines 7-10; col. 4, lines 39-44; col. 7, lines 40-49);

generating a context message based on the context data (col. 5, lines 7-10; col. 7, lines 40-49); and

outputting the context message (col. 8, lines 31-34; col. 14, lines 6-7, 20-23).

34. Touboul did not teach receiving, in response to the reporting of the alert condition, a user-generated dialogue request requesting context data. Dev taught receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request textually requesting context data for the subject system object (col. 8, lines 31-37; col. 15, lines 12-29); and the context message responsive to the user-generated request dialogue (col. 8, lines 31-37; col. 15, lines 12-29). (dialogue request is interpreted as a user input requesting a machine response that form a “conversation”)

35. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul and Dev because Dev's teaching of a user-generated dialogue request would make it easier for user in Touboul's system to request more information regarding an alarm condition.

36. Touboul and Dev do not teach context data for relevant system objects known to be associated with the subject system object and accessing a database to identify a group of system objects known to be associated with one another. Jacobs taught context data for the subject system object and one or more relevant system object known to be associated with the subject system object (col. 9, lines 48-54; col. 14, lines 46-52; fig. 6); accessing a database to identify a group of system objects known to be associated with one another (col. 8, lines 5-7; col. 9, lines 9-14, 24-37; col. 14, lines 11-19); and identifying, from the group of system objects, a relevant system object that is known to be associated with the subject system object (col. 9, lines 48-54; col. 13, lines 8-63; col. 14, lines 38-53).

37. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul, Dev and Jacobs because Jacobs's teaching of accessing a database to identify a group of system object known to be associated with one another would increase the alertness of network management personnel in their systems by providing a view of the current state of the network that correlates related network events (col. 2, lines 29-65).

38. Touboul, Dev and Jacobs did not teach wherein generating includes replacing quantifiable context data with a qualitative identifier. Faigon taught wherein generating includes replacing quantifiable context data with a qualitative identifier (col. 18, lines 20, 42-45, 55-66; figs. 19 and 20).

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Faigon because Faigon's teaching of replacing quantifiable context data with a qualitative identifier would increase the user flexibility in Touboul's, Dev's and Jacobs's systems by allowing a user to specify the severity level ranges being assigned to a severity levels.

40. Claims 19-20 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Fanshier et al, U.S. Patent 5,933,601 (hereinafter Fanshier).

41. Fanshier was cited in the last office action

42. As per claims 19 and 31, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not specifically detailing the relevant system object represents a sub-component of the subject system object. Fanshier taught wherein the relevant system object represents a component that is a sub-component of a component represented by the subject system (fig. 3; col. 5, lines 15-41).

43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Fanshier because Fanshier's teaching of the relevant system object represents a component that is a sub-component of a component represented by the subject system would increase the alertness of Touboul's, Dev's and Jacobs's systems by providing the relationship of components using an object-based presentation of components executed by each of the nodes within a network in a hierarchy form (col. 1, lines 36-44).

44. As per claims 20 and 32, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not specifically detailing the relevant system object represents a grouping with the subject system object. Fanshier taught wherein the relevant system object represents a component that is in a grouping with a component represented by the subject system object (fig. 3; col. 5, lines 15-41).

45. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Fanshier because Fanshier's teaching of the relevant system object represents a component that is in a grouping with a component represented by the subject system object would increase the alertness of Touboul's, Dev's and Jacobs's systems by providing the relationship of components using an object-based presentation of components executed by each of the nodes within a network in a hierarchy form (col. 1, lines 36-44).

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

Appellant argued that:

- (1) Touboul-Dev-Jacobs combination fails to teach "receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request specifying a user defined type of context data for the subject system object," as recited in claim 1.
- (2) Touboul-Dev-Jacobs combination fails to teach "receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request textually requesting context data for the subject system object."
- (3) Dev fails to teach user defined context data about an object.
- (4) Claim 34 is not obvious over the proposed Touboul-Dev-Jacobs combination.
- (5) Touboul-Dev-Jacobs combination fails to teach "the user-generated text-based dialogue request textually request the user defined type of context data" as recited in Claim 35

In reply to arguments (1), (2) and (5): Dev teaches the limitation of "receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request specifying a user defined type of context data for the subject system object". Dev teaches a user

can specify (i.e., user defined) severity of an event/alarm for the system object to be displayed (i.e., type of context data for the subject system object, e.g., "Condition Red" in 420, fig. 10) (col. 8, lines 11-14; col. 15, lines 11-29). Dev further teaches a user clicking (i.e., user generated) on the "Condition Red" alarm on an alarm log (in response to the reporting of the alert condition) to obtain more information (i.e., request specifying a user defined type of context data) (col. 15, lines 11-29). This means the user generates a request by clicking on the text (i.e., user generated text based request) indicating a "Condition Red", which is a user defined type of context data for the system object (i.e., specifying a user defined type of context data), in order to obtain more information. Furthermore, the user clicking to request a machine response that forms a "conversation" is interpreted as "dialogue request". Therefore, Dev teaches receiving, in response to the reporting of the alert condition (i.e., in response to the alarm on the alarm log), a user-generated text-based dialogue request (i.e., receiving a user click on the text of the "Condition Red" to ask for more machine response) specifying a user defined type of context data for the subject system object (i.e., the user clicking on the "Condition Red" precisely tells the machine more information is wanted on the user defined type of severity of an alarm). Since the user is clicking on the text of "Condition Red", therefore, the request is with regard to the text of the "Condition Red" (i.e., textually requesting for context data). It is noted that the examiner interprets the terms of the argued limitation according to the Webster's 3rd New International Dictionary. Specifically, the dictionary defines the term "dialogue" as a conversation between two or more person, the term "specifying" as to tell or state precisely, and the term "textually" as in or with regard to the text of something.

In reply to argument (3), on page 27, lines 18-26, appellant states "Because such information in the alert messages and the messages themselves are system generated and not user-generated, *Dev* does not disclose, teach, or suggest user defined context data about an object. Accordingly, it would not have been obvious to modify *Dev* to include "the type of user defined context data is selected from the group consisting of location information for the subject system object, logical relationship information of the subject system object to other system objects, operational status information of the subject system object, or information regarding interest/business groups associated with the subject system object," as recited in Appellant's Claim 33." As explained in reply to argument (1) above, *Dev* teaches a user can specify (i.e., user defined) severity of an event/alarm for the system object to be displayed (i.e., type of context data for the subject system object, e.g., "Condition Red" in 420, fig. 10) (col. 8, lines 11-14; col. 15, lines 11-29). *Dev* further teaches the type of user defined context data is selected from any information contained in the event/alarm message (col. 8, lines 11-19). Accordingly, it would have been obvious to modify *Dev* to include "the type of user defined context data is selected from the group consisting of location information for the subject system object or operational status information of the subject system object because by doing so it could notify a user whether the device which the event/alarm is generated has failed and where to resolve the event/alarm of the device.

In reply to argument (4), on page 28, lines 18-26, appellant states "However, clicking on the textual words "Condition Red" or another identifier of an alarm does disclose "user-generated text-based dialogue request specifying a second user defined type of context data," as recited in Claim 34. To the contrary, the phrase "Condition Red" does not textually request anything.

Additionally, the phrase is not user-generated. Rather, the text is presented to the user for selection by the user. Therefore, it continues to be Appellant's position that the act of clicking on the text identifying an alarm does not disclose, or even teach or suggest "after outputting the context message, receiving a second user-generated text-based dialogue request specifying a second user defined type of context data," as recited in Claim 34." As explained in reply to argument (1) above, Dev teaches after outputting the context message (i.e., outputting alarm on the alarm log), receiving a user-generated text-based dialogue request specifying a user defined type of context data. Dev further teaches the user clicks on other alarms (i.e., receiving a second user-generated text based dialogue request) to obtain other alarm conditions (to specify another type of context data, which was user-defined) (col. 15, lines 27-29).

(11) *Related Proceeding(s) Appendix*

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) *Conclusion*

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Philip C Lee/

Primary Examiner, Art Unit 2448

January 6, 2010

Conferees:

/FIRMIN BACKER/

Supervisory Patent Examiner, Art Unit 2448

/John Follansbee/

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